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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/799,274 02/13/97 ECKHARDT

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LM61/0805

EXAMINER

APPIAH, C

ART UNIT

PAPER NUMBER

2742

DATE MAILED:

08/05/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/799,274

Applicant(s)

Eckhardt

Examiner

Charles Appiah

Group Art Unit

2742

☒ Responsive to communication(s) filed on Jun 8, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 15 is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. Applicant should note that the amendment to Claim 1 in communication filed on 6/8/98 fails to comply with the provisions of 37 C.F.R. 1.21. The amendment to claim 1 does not include proper bracketing and underlining of deleted and inserted terminology respectively, from the claim as originally filed. For example, the phrase "a decorative part is insertable" is in the original claim 1 but seems to have been deleted without any indication in the amended claim. Correction of Claim 1 is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Amended claim 1 and new claim 15 recites the limitation "said decorative part". This limitation lacks antecedent basis in the claims.

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***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 5-10, 12 and 14, are rejected under 35 U.S.C. 102(b) as being anticipated by **Oliwa et al. (4856088)** as applied in Office action of March 4, 1998.

Regarding Claims 1 and 7, **Oliwa** discloses an appliance with reference to **FIG.1** comprising an indicating device (32), means forming an outer surface with a central region (11), provided with a throughgoing opening (recess 20) and a surrounding edge region which surrounds the throughgoing opening and is depressed for receiving said indicating device, (see embodiment shown in FIG.3); the edge region being formed so that a decorative part (the display module 12) is insertable in said edge region; and means for releasably connecting (behind one or more of these contacts are magnets which will be used to secure the display module 12 to the enclosure 11 within the recess 20, see col.2 lines 21-26) the decorative part with the edge region.

5. Claims 2-4 and 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Oliwa et al.(4856088)** as applied in Office Action of March 4, 1998.

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Oliwa et al.(4856088)**.

In regard to Claims 2-4, **Oliwa** teaches what has been discussed in the rejection of Claim 1 above including the means for the removable attachment of the display module, (see col.1 lines 65-67).

**Oliwa** does not teach that the means for releasably connecting is formed as a double-sided adhesive connection. The examiner, takes official notice that it is well known that there are various means of holding removable parts of a device or appliance together like adhesives, screws, magnets etc. It would have obvious to one of ordinary skill in the art to replace the magnetic connections in **Oliwa's** appliance with any type of connection that would securely hold the removable part of the appliance the motivation being the ease of removal in case a repair needs to be made or a better access to the part is required.

In regard to Claim 11, see the explanation as set forth in the rejection of Claim 1 citing **Oliwa** who in addition also teaches that the display module 12 is removable from the enclosure 11, (see col. 2 lines 15-16). **Oliwa** does not specifically teach that the decorative part and the edge region are arranged so that a gap is provided between said decorative part and said edge region for

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receiving a tool in order to release said connection. It would have been obvious to one of ordinary skill in the art, in light of the fact that Oliwa teaches a removable display in a throughgoing hole, to provide a gap, thus making it possible to be able to remove the display module by a tool like a screwdriver or one's finger for repair or to prevent an unauthorized person from reading confidential messages on someone's display.

### *Response to Arguments*

6. Applicant's arguments filed on 6/8/98 have been fully considered but they are not deemed persuasive. The primary reference, Oliwa et al.(4856088), used in the Office Action of March 4, 1998 still anticipates the claimed invention as amended.

In regard to the explanation on the inventive appliance as defined in claim 1, in which there is a central region provided with a throughgoing opening for receiving the indicating device, and in addition has a surrounding edge region which surrounds the throughgoing opening and is depressed relative to the outer surface of the appliance, for receiving a decorative part, applicant's attention is drawn to FIG.3 of the Oliwa reference which is a cross-section of the appliance of FIG.1, in which the surrounding edge region (inner part of recess 20) is depressed relative to the outer surface of the appliance, (see FIG.3).

Examiner did not interpret the inner wall of the throughgoing opening as the edge region, but as the region surrounding the throughgoing opening which does not serve as a limiting wall, but rather surrounds the throughgoing region when the display is inserted.

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Applicant argues that the throughgoing opening as defined in claim 1 does not receive a complete display with an indicating device and a decorative part. Applicant should note that the claim language does not preclude receiving of a display module comprised of both an indicating device and a decorative part. The arguments are more narrow than the claim.

*Allowable Subject Matter*

7. Claim 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach an appliance comprising a transparent disk which covers the indicating device and is placed on a deeper step.

*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is (703) 305-4772. The examiner can normally be reached on M-F from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele, can be reached on (703) 305-4701.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900. The fax number for this Group is (703) 308-5403.

Serial Number: 08/799,274

CA

Charles Appiah

June 24, 1998.

  
KRISTA ZELE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700